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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,882	11/26/2003	Yun Yu Chuang	MR1115-490	6000
4586	7590 12/13/	005	EXAMINER	
	RG, KLEIN & LE	HWANG, VICTOR KENNY		
	3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			PAPER NUMBER
	,		3764	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)				
	10/721,882	CHUANG ET AL.				
Office Action Summary	Examiner	Art Unit				
	Victor K. Hwang	3764				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DATE - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period was period to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be time will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 26 No.	ovember 2003.					
	<u> </u>					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under E	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4)⊠ Claim(s) <u>1-18</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdraw	4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.) Claim(s) is/are allowed.					
6)⊠ Claim(s) <u>1-18</u> is/are rejected.						
7) Claim(s) 7 is/are objected to.	- clastica requirement					
8) Claim(s) are subject to restriction and/or	r election requirement.					
Application Papers						
9) The specification is objected to by the Examine	r.					
10) \boxtimes The drawing(s) filed on <u>26 November 2003</u> is/are: a) \boxtimes accepted or b) \square objected to by the Examiner.						
Applicant may not request that any objection to the	• • • • • • • • • • • • • • • • • • • •					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action of form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a))-(d) or (f).				
a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
200 the attached detailed office detach for a list of the certified copies flot received.						
Attachment(s)						
1) Notice of References Cited (PTO-892)	4) X Interview Summary					
2) DNotice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da					
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	6) Other:	aton Application (FTO+192)				

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DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they 1. do not include the following reference sign(s) mentioned in the description: "212" referred to in paragraphs [0018] and [0019]. Presumably, the reference character "212" should be inserted in the drawing of Fig. 2 to identify the hole in the retention ring diametrically opposite and coaxial to the hole 211. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: in paragraph [0018, line 5, "212" presumably should be replaced with --211--; and in paragraph [0023], line 8, the 2nd and 3rd occurrences of "61" presumably should be replaced with --62--.

Appropriate correction is required.

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Claim Objections

3. Claim 7 is objected to because of the following informalities: on line 1, the recitation "1" presumably should be changed to -5--, in order to provide proper antecedent basis for the recitation of "the permanent magnet." Appropriate correction is required.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-18 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,623,405 B2 in view of Wood et al. (US Pat. 6,761,611 B2). The patent discloses a wrist exerciser as claimed except for a transmission means comprising a transmitter mounted in the rotor and comprising an interface circuit connected to the control circuit and a connection member in connection wit the interface circuit, and a transmission cable having opposite ends forming first and second connectors, the

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first connector being releasably mateable with the connection member of the transmitter of the rotor and the second connector being adapted to connect an external device for transferring an electrical signal from the external device to the control circuit.

Wood et al. discloses a rotatably mounted ball 102 medium, such as a flash memory cartridge, a disk, a tape, or a memory stick (col. 6, lines 32-44). A linker device may also be used, such as a wireless transceiver or a data port (e.g., a Universal Serial Bus [USB] data port) to transfer code between the ball and a computer. The data port enables a user to transfer data to, and from, the interactive learning apparatus through a physical connection (e.g., a data cable) among the interactive learning apparatus and a client PC or the Internet (col. 6, lines 45-62). The transfer of data is used to provide code for new operating modes (col. 6, lines 41-44).

An operational data port on the ball would inherently include an interface circuit connected to the control circuit and a connection member in connection with the interface circuit. An operational data cable would also inherently have opposite ends forming first and second connectors, the first connector being releasably mateable with the connection member of the transmitter and the second connector being adapted to connect an external device for transferring an electrical signal from the external device to the control circuit. A USB data port would inherently require use of a USB cable having the proper USB connectors. An RS232 interface and connectors are considered to be equivalent to the USB cable and connectors, and an obvious choice for transmitting data. RS232 cables are commonly known as serial cables for connecting peripheral devices to a computer.

Note the ball is considered to be a rotor. A rotor as defined in <u>Webster's Ninth New</u>

Collegiate Dictionary 1025 (1st. ed. 1990) (definition n. 1.) is "a part that revolves in a stationary part; esp: the rotating member of an electrical machine."

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the rotor of the patent with the physical transmission means of *Wood et al.*, in order to provide a means for transferring data to provide new code to the control circuit for new operating modes.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mishler (US Pat. 5,150,625), Mishler (US Pat. 5,353,655), Chuang (US Pat. 5,800,311), Yu (US Pat. 6,039,679), Williams (US Pat. 6,413,144), Yu (US Pat. 6,527,675 B1), Kuo (US Pat. 6,770,012), Leja (US Pat. 6,816,137 B2), Dworzan (US Pat. Pub. 2005/0101454 A1), Chuang et al. (US Pat. Pub. 2005/0107218 A1) and Clifford et al. (US Pat. Pub. 2005/0206218 A1) disclose various apparatus having rotors with at least one illumination element mounted thereto.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (571) 272-4976. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.

The facsimile number for submitting papers directly to the examiner for informal correspondence is (571) 273-4976. The facsimile number for submitting all formal correspondence is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on (571) 272-4887.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Victor K. Hwang December 8, 2005 Stephen K. Cronin Primary Examiner